

SENATE No. 41

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting restorative justice practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Karen E. Spilka</i>	

SENATE No. 41

By Mr. Eldridge, petition (accompanied by bill, Senate, No. 41) of Spilka, Eldridge, Atkins and other members of the General Court for legislation to promote restorative justice practices [Joint Committee on Children, Families and Persons with Disabilities].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act promoting restorative justice practices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 55B of Chapter 119 of the General Laws is hereby amended in line
2 13 by inserting after the words “upon compliance with specific terms and conditions” the
3 following:- , including an established community-based restorative justice program, except that
4 the court may not order participation in restorative justice process if the offender was adjudicated
5 for unlawful sexual behavior or a crime in which the underlying factual basis involves domestic
6 or family violence,

7 SECTION 2. Section 39H of Chapter 119 of the General Laws shall be amended to
8 include after paragraph 2 the following new paragraph:-

9 The law enforcement officer may refer such child to an established community-based
10 restorative justice program, except that participation in a restorative justice process shall not be
11 recommended if the offender was arrested for unlawful sexual behavior or a crime in which the
12 underlying factual basis involves domestic or family violence.

13 SECTION 3. Section 3 of Chapter 276A of the General Laws shall be amended to include
14 after paragraph 3 the following new paragraph:-

15 Such programs may include an established community-based restorative justice program,
16 except that the court may not order participation in restorative justice process if the offender was
17 adjudicated for unlawful sexual behavior or a crime in which the underlying factual basis
18 involves domestic or family violence.

19 SECTION 4. Section 87A of Chapter 276 of the General Laws, paragraph 1 shall be
20 amended by inserting after the words “specified rehabilitative programs” the following:-
21 including an established community-based restorative justice program, except that the court may
22 not order participation in restorative justice process if the offender was adjudicated for unlawful
23 sexual behavior or a crime in which the underlying factual basis involves domestic or family
24 violence,